UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,356	01/28/2004	Brian L. Patterson	200208247-1	4878

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EXAMINER
SENSENIG, SHAUN D

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
08/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _25 July 2011_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _48-68_ is/are pending in the application.
      4a) Of the above claim(s) _none_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _48-68_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _20110725_.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This action is in response to papers filed on July 25, 2011.

No claims have been amended.

Claims 1-47 have been cancelled.

Claims 48-68 have been added.

Claims 48-68 are pending.

Request for Continued Examination

1.   The Request filed on July 25, 2011 for Continued Examination (RCE) under 37

CFR 1.114 based on Application No. 10/767356 is acceptable and a RCE has been

established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 48-54, 56-64, 66, and 67 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Tohyama (Pub. No. US 2002/0091645 A1) (hereafter referred to

as Tohyama) in view of Lubbers et al. (Pub. No. US 2003/079102 A1) (hereafter

referred to as Lubbers).

3.   In regards to **Claims 48 and 59**, Tohyama discloses:

A method comprising:

storage medium and CPU (Fig. 1 and [0048])

receiving, a service request from a requestor over a storage network, wherein the service request is a request; ([0009], lines 9-20, *affirmed by board decision mailed 5/5/2011*)

determining an amount of credit available on a local storage medium for the requestor; ([0049], lines 1-11, *affirmed by board decision mailed 5/5/2011*)

implementing the service request at the storage array controller in response to the amount of credit being sufficient to execute the service request; ([0049], lines 1-11, *affirmed by board decision mailed 5/5/2011*)

in response to the amount of credit being insufficient to execute the service request, ([0049], lines 1-11, *affirmed by board decision mailed 5/5/2011*)

transmitting, by the storage array controller, a token request for a service token to a server communicatively connected to the storage network; ([0009], lines 9-20, *affirmed by board decision mailed 5/5/2011*)

receiving, by the storage array controller, a response to the token request transmitted by the server after the server validates the token request; ([0009], lines 9-20, *affirmed by board decision mailed 5/5/2011*) and

executing the service request in response to the response to the token request including an indication authorizing execution of the service request. ([0009], lines 9-20; S216; and [0124], lines2-6, *affirmed by board decision mailed 5/5/2011*)

Tohyama discloses a storage network ([0009], lines 9-20, *affirmed by board decision mailed 5/5/2011*), but Tohyama does not explicitly disclose the storage network having a storage array controller that controls an array of storage devices that implements RAID (Redundancy Array of Independent Disks) storage of data. However, Lubbers teaches a storage network having a storage array controller that controls an array of storage devices that implements RAID (Redundancy Array of Independent Disks) storage of data ([0082] and [0083], *shows array controller controlling multiple storage device that implement RAID*)

It can be seen that each element claimed is taught in either Tohyama or Lubbers. Using characteristics such as "RAID Storage" (taught by Lubbers) does not change nor affect the normal functions of requesting and authorizing services as taught by Tohyama. One of ordinary skill in the art would recognize that the method of requesting and authorizing services from Tohyama would be performed the same way regardless of type of memory and/or method of memory management are used (i.e. "RAID Storage" from Lubbers). Since the functionalities in Tohyama and Lubbers do not interfere with each other the results of the combination would be predictable. (See KSR [127 S Ct. at 1739])

Tohyama discloses a service request ([0009], lines 9-20, *affirmed by board decision mailed 5/5/2011*), but Tohyama does not explicitly disclose the service request being for the performance of a data redundancy operation. However, Lubbers teaches the performing of data redundancy operations (Abstract, *"methods for generating point-in-time copies, or snapshots, of logical disks"*)

It can be seen that each element claimed is taught in either Tohyama or Lubbers. Using services such as "snapshot" and "snapclone" (taught by Lubbers) does not change nor affect the normal functions of requesting and authorizing services as taught by Tohyama. One of ordinary skill in the art would recognize that the method of requesting and authorizing services from Tohyama would be performed the same way regardless of what types of services are requested (i.e. "snapshot" or "snapclone" from Lubbers). Since the functionalities in Tohyama and Lubbers do not interfere with each other the results of the combination would be predictable. (See KSR [127 S Ct. at 1739])

4.   In regards to **Claims 49 and 60**, Tohyama discloses the service request being a does not explicitly disclose a service being a data snapshot operation, however Lubbers teaches a data snapshot operation.   ([0089])

It can be seen that each element claimed is taught in either Tohyama or Lubbers. Using services such as "snapshot" (taught by Lubbers) does not change nor affect the normal functions of requesting and authorizing services as taught by Tohyama. One of ordinary skill in the art would recognize that the method of requesting and authorizing services from Tohyama would be performed the same way regardless of what types of services are requested. Since the functionalities in Tohyama and Lubbers do not interfere with each other the results of the combination would be predictable. (See KSR [127 S Ct. at 1739])

5.   In regards to **Claim 50**, Tohyama does not explicitly disclose a service being a

data snapclone operation, however Lubbers teaches a data snapclone operation.

([0089])

It can be seen that each element claimed is taught in either Tohyama or Lubbers.

Using services such as "snapclone" (taught by Lubbers) does not change nor affect the

normal functions of requesting and authorizing services as taught by Tohyama. One of

ordinary skill in the art would recognize that the method of requesting and authorizing

services from Tohyama would be performed the same way regardless of what types of

services are requested. Since the functionalities in Tohyama and Lubbers do not

interfere with each other the results of the combination would be predictable. (See KSR

[127 S Ct. at 1739])

6.   In regards to **Claims 51 and 61**, Tohyama does not explicitly disclose a service

being a data backup service, however Lubbers teaches a data backup service

operation.   ([0087] and [0089])

It can be seen that each element claimed is taught in either Tohyama or Lubbers.

Using services such as "data backup" (taught by Lubbers) does not change nor affect

the normal functions of requesting and authorizing services as taught by Tohyama.

One of ordinary skill in the art would recognize that the method of requesting and

authorizing services from Tohyama would be performed the same way regardless of

what types of services are requested. Since the functionalities in Tohyama and Lubbers

do not interfere with each other the results of the combination would be predictable.

(See KSR [127 S Ct. at 1739])

7.   In regards to **Claims 52 and 62**, Tohyama does not explicitly disclose a service

being a data recovery operation, however Lubbers teaches a data recovery operation.

([0055], [0087], and [0089])

It can be seen that each element claimed is taught in either Tohyama or Lubbers.

Using services such as "recovery" (taught by Lubbers) does not change nor affect the

normal functions of requesting and authorizing services as taught by Tohyama. One of

ordinary skill in the art would recognize that the method of requesting and authorizing

services from Tohyama would be performed the same way regardless of what types of

services are requested. Since the functionalities in Tohyama and Lubbers do not

interfere with each other the results of the combination would be predictable. (See KSR

[127 S Ct. at 1739])

8.   In regards to **Claims 53 and 63**, Tohyama does not explicitly disclose the use of

a RAID 5 storage, however Lubbers teaches the use of a RAID 5 storage.   ([0082] and

[0083])

One of ordinary skill in the art would have recognized that applying the known

technique of Lubbers would have yielded predictable results. It would have been

recognized that applying the technique of Lubbers to Tohyama would have yielded

predictable results because the level of ordinary skill in the art demonstrated by the

references applied shows the ability to incorporate such storage techniques into similar

systems. Further, using a RAID 5 storage technique in conjunction with Tohyama's

licensing system would have been recognized by those of ordinary skill in the art as

resulting in an improved system that would allow the use of well-known storage

techniques. (See KSR [127 S Ct. at 1739] "The combination of familiar elements

according to known methods is likely to be obvious when it does no more than yield

predictable results.")

9.   In regards to **Claims 54 and 64**, Tohyama discloses:

A method, wherein transmitting the token request comprises transmitting the

token request containing an account identifier that identifies one of plural accounts that

the server is to use for validating the token request. ([0009], lines 9-20; S216; [0051],

lines14-17; and [0124], lines2-6, *affirmed by board decision mailed 5/5/2011*)

10.   In regards to **Claims 56 and 66**, Tohyama discloses:

A method, further comprising updating the amount of credit available in the local

storage medium based on information in the response to the token request. ([0124],

lines 23-27, *affirmed by board decision mailed 5/5/2011*)

11.   In regards to **Claim 57**, Tohyama discloses:

A method, wherein the response to the token request comprises a software

module, for executing the service request. ([0009], lines 9-20; [0014]; [0048]; [0086];

S216; and [0124], lines2-6, *affirmed by board decision mailed 5/5/2011*)

12.   In regards to **Claim 58**, Tohyama discloses:

A method, further comprising invoking the software module to execute the

service request. ([0009], lines 9-20; [0014]; [0048]; [0086]; S216; and [0124], lines2-6,

affirmed by board decision mailed 5/5/2011)

13.   In regards to **Claim 67**, the claim limitations are equivalent to the claim limitations

of Claims 48, 54, 59, and 64 above and are therefore subject to the same rejections,

citations, and reasoning provided for those claims above. In addition to those claims,

Claim 67 recites "…access one of plural data tables that record information regarding

respective service accounts; in response to determining that the accessed data table

indicates that there is sufficient credit available for the service request…"

Tohyama discloses:

access one of plural data tables that record information regarding respective

service accounts; (Fig. 8 and [0063], *the "passbook" shows a table in which account*

information is shown along with usage information)

in response to determining that the accessed data table indicates that there is

sufficient credit available for the service request (Fig. 8 and [0063], *the "passbook"*

shows a table in which account information is shown along with usage information)

14.   **Claims 55, 65 and 68 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Tohyama in view of Lubbers in further view of Official Notice.

15.   In regards to **Claims 55, 65 and 68**, neither Tohyama nor Lubbers explicitly

disclose the use of encryption and decryption. However, **encryption and decryption**

are old and well known to those of ordinary skill in the art, and official notice to that

effect is hereby taken. For example, encryption/decryption methods are commonly

used for securely transferring information.

One of ordinary skill in the art would have recognized that applying the known

technique of encryption and decryption would have yielded predictable results. It would

have been recognized that applying the technique of encryption and decryption to

Tohyama would have yielded predictable results because the level of ordinary skill in

the art demonstrated by the references applied shows the ability to incorporate such

features into similar systems. Further, using a encryption and decryption feature in

conjunction with a request and authorization system, would have been recognized by

those ordinary skill in the art as resulting in an improved system that would allow

customers to use the service while maintaining privacy and security of information.

(See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known

methods is likely to be obvious when it does no more than yield predictable results.")

Response to Arguments

16.   Applicant's arguments filed July 25, 2011 have been fully considered but they are

not persuasive.

17.   I. Rejection of Claims under 35 U.S.C. §102

       Applicant's arguments in regards to the 35 U.S.C. §102 rejections are moot in

view of the new prior art rejections.

Conclusion

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-

5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 3629
July 30, 2011

/Jamisue A Plucinski/
Supervisory Patent Examiner, Art Unit 3629